

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9755

IN THE MATTER OF:

Served July 19, 2006

Application of JBT ENTERPRISE, LLC,)	Case No. AP-2005-111
Trading as ACCESS MOBILITY)	
TRANSPORTATION, for a Certificate)	
of Authority -- Irregular Route)	
Operations)	

This matter is before the Commission on applicant's request for an extension of time to comply with Commission Order No. 9098, served November 4, 2005.

Order No. 9098 conditionally granted Certificate of Authority No. 1127 and stipulated that applicant would have the full 180 days available under Commission Regulation No. 66, or until May 3, 2006, to satisfy the conditions of the grant. On April 24, 2006, applicant requested a 60-day extension of the compliance deadline, citing as grounds production delays in the manufacture of the vehicle applicant ordered in December 2005. Applicant only needed an extra thirty days, as it turns out, having satisfied the conditions of Order No. 9098 as of June 2, 2006.

Regulation No. 66 provides that: "The time for compliance with the requirements for a conditional grant of authority will not be extended beyond a maximum of 180 days from the date the conditional grant of authority is issued. Such conditional grant of authority shall be considered void effective on the 181st day." Regulation No. 66, may be waived for good cause shown, however, keeping in mind, of course, the purposes of Regulation No. 66, which are: (1) preventing the issuance of operating authority at a time when the fitness finding has become stale; and (2) ensuring closure.¹

The Commission has approved the issuance of certificates of authority in the past in situations similar to this. In those cases, the 180-day approval period had run, and the conditional grant was considered void, but applicants satisfied the conditions of the grant before the thirty days allowed for seeking administrative reconsideration of the voiding of the grant had expired.² The

¹ *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003).

² See e.g., *In re Dillon, Inc./t/a Perfedia Sedan and Limo. Servs.*, No. AP-05-84, Order No. 9572 (May 18, 2006); *In re Tech Systems, Inc.*, No. AP-05-81,

applicant in this case is in essentially the same posture. The only difference is this applicant requested additional time before the 180-day approval period ended, not after. It would be curious to say the least to allow an additional thirty days to those who request it in arrears and deny it to those who apply in advance.

For good cause shown, Regulation No. 66 shall be waived.

THEREFORE, IT IS ORDERED that Certificate of Authority No. 1127 shall be issued to JBT Enterprise, LLC, trading as Access Mobility Transportation, 905 Brick Manor Circle, Silver Spring, MD 20905.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Executive Director